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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,551	08/22/2003	John Anthony Karageorge	JAK-CALENDAR	9135

7590 03/09/2005

JOHN A. KARAGEORGE
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OCEAN CITY, MD 21842

EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary	Application No. 10/645,551	Applicant(s) KARAGEORGE, JOHN ANTHONY	
	Examiner Vit W. Miska	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/12/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 3,4, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Lips. The patent discloses the claimed conventional Gregorian calendar (col. 4, lines 40ff) with 25th leap year correction as set forth in the preceding paragraph. Regarding claim 4, patentee suggests at col.5, line 52 that the first day of any month may be designated as the first day of the fiscal year.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the U.S. Patent to Lips. The reference discloses in Fig. 4(a) and described at col. 9, lines 30ff a leap year correction scheme including adding a 25th leap year using the algorithm claimed, i.e. using the Gregorian leap year every 4th year, except every 100th year, unless the year is divisible by 400, then applying the leap year, and if divisible by 3200 not applying the leap year. The algorithm is carried out only to the year 3200, however one of ordinary skill in the art will recognize that by continuing this iteration the leap year scheme will repeat every 86,000 years, i.e. applying a leap year thereto. With respect to claim 11, the limitations recited in claim 3 define a conventional Gregorian calendar set forth in Lips at col. 4.

3. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Doggett reference in view of the Lips patent. The claimed month/day calendar sequence corresponds to the known Indian calendar, more specifically described at pages 11-12. The leap year correction rules for this calendar correspond to the Gregorian calendar and are also set forth therein. While no specific means for performing the calendar computations are disclosed, one of ordinary skill in the art

having the teaching of Doggett would be taught to implement such a calendar by suitable means, as disclosed in Lips.

Response to Applicant's Arguments

4. With respect to claims 3, 4, 9, and 10, applicant argues details of claims 4 with April 1 as the first day of the calendar year as indicative of patentability. However, claim 3 does not contain this limitation and no arguments are presented why this claim is patentable over Lips. Therefore, claims 3, 9 and 10 are anticipated by Lips for the reasons set forth above.

5. Regarding claim 4, Lips clearly suggests in the quoted passage that any day of the month may be designated as the first day of the fiscal year. Thus, "any day" includes April 1. Whether the term "calendar year" distinguishes from "fiscal year", no structural or functional difference can be attributed to this terminology. Both terms indicate the first day of a 12 month period of time. Differences in language are not sufficient to obviate the rejection, unless a corresponding structural or functional difference exists.

6. The rejection of claims 1, 2 and 11 over Lips is disputed on the grounds that Lips does not teach a 86,400 leap year correction. Fig. 4a and the description thereof at col. 9, lines 30ff of the patent describe applicant's leap year correction algorithm carried to a 3200 year correction cycle. However, patentee in the following paragraph suggests :

"It should be noted that the system described by the flow chart of FIG. 4a may be extended by the inclusion of other division units above the Mod(3200) unit 305 to generate a higher degree of accuracy."

It is apparent to a person of ordinary skill in the art that the purpose of the leap year correction is to add or skip a leap year day at periodic intervals when the error of the calendar device approaches one day. That is why in the original Gregorian calendar the first leap year correction occurred at 400 years. However, this type of Gregorian scheme is one of many developed throughout the centuries to align the calendar with true solar time, as well known and as evidenced in the cited literature. Lips suggests a 3200 year cycle for further accuracy, as done by applicant, i.e. an exception to the 400 year rule by not adding a leap day at 3200 year cycles, since at 3200 years an error closely corresponding to a day occurs. Up to this point, the claimed algorithm and that of Lips are identical. Lips recognizes, as applicant, that the 3200 cycle will also produce errors at longer periods of time. For this reason, he suggests in the passage cited that the algorithm may be extended beyond 3200 year cycles for additional accuracy. Clearly, the next one day error will occur in the time period of 80,000-90,000 years (depending on the rounding error of days per century). Thus, a person of ordinary skill in the art having the disclosure of Lips and attempting to provide a calendar extending beyond 3200 years will follow the suggestion of Lips and provide additional divisional units beyond 3200, i.e. the next error closest to a full day, or a year in the 80,000+ range.

7. Regarding claims 5-8, the details claimed are suggested in the prior art cited, as noted above. The details of the leap year algorithm of claim 1 are not set forth in these claims.

8. The additional references cited disclose calendars with leap year correction.

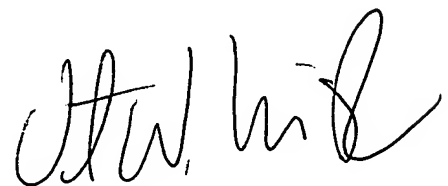
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vit Miska
Primary Examiner

VM
2/15/2005